

MINUTES OF THE REGULAR BOARD MEETING
of the
LAKE COUNTY WATER AUTHORITY
August 24, 2016

The Regular Hearing of the Board of Trustees of the Lake County Water Authority was held at 3:32 p.m. on Wednesday, August 24, 2016 in the Lake County Administration Building, County Commissioners Chambers at 315 West Main Street, Tavares, Florida.

Members Present-District #

Staff Present

Peggy Cox, Chairwoman (#1)
Adam Dufresne, Vice Chair (At Large)
Doug Bryant (#4)
Charles Clark (#5)
John Harris, (At Large)
Carolyn Maimone, (#3)

Michael J. Perry, Executive Director
Patricia Burgos, Environmental Prog. Mgr.
Ron Hart, Water Res. Prog. Mgr.
Sergio Duarte, Water Res. Proj. Mgr.
Ben Garcia, GIS Manager
Carole Barice, LCWA Attorney
Linda Marino, Administrative Assistant
Anna Ely, Recording Secretary

A list of others present that signed the attendance roster is filed in the permanent files of the Water Authority.

1. CALL TO ORDER / PLEDGE OF ALLEGIANCE

The meeting was called to order at 3:32 p.m. and everyone stood and recited the Pledge of Allegiance.

2. APPROVAL OF MINUTES

VICE CHAIR DUFRESNE MADE A MOTION TO APPROVE THE MINUTES OF THE LAKE COUNTY WATER AUTHORITY, BOARD MEETING OF WEDNESDAY, JULY 19, 2016 – BUDGET WORKSHOP and BOARD MEETING OF WEDNESDAY, JULY 27, 2016 – REGULAR MEETING. Ms. Maimone seconded the motion.

Motion approved 6-0.

3. EXECUTIVE DIRECTOR REPORT

Mr. Perry gave the water level report and stated that since most of July and into August the weather has been dry. He stated that Lake Apopka has remained below Minimum Desirable and the water level continues to drop.

He explained that the Regulatory Schedule would have the lake levels coming back up again if there was sufficient water. He noted there hasn't been flow out of Lake Apopka since May 17, 2016.

He explained that the water level in the Middle Lakes/Superpond (Lake Harris, Lake Dora and Lake Eustis) is also dropping at this time, and although the lakes are below Regulatory Schedule, they are still above Minimum Desirable.

He stated that although the Regulatory Schedule for the Middle Lakes/Superpond is slightly different from the one for Lake Apopka, it too would have the lake levels at a higher level, should there be sufficient water in the lakes. He reported that there has only been minimum flow out of Middle Lakes/Superpond for quite some time. He stated that Lake Griffin, like the Middle Lakes/Superpond is also dropping at this time, although the lakes are below Regulatory Schedule, they are above Minimum Desirable.

Mr. Perry stated that the minimum flow out of Lake Griffin at this time is about 30 cubic feet per second. He explained that the flow through the Burrell Lock and Dam is about 25 cubic feet per second at this time and the flow out of Lake Apopka is at zero.

He stated that during July the rainfall averaged slightly more than four inches. He stated that year-to-date we are 2.63 inches below the historic average of 29.81 inches or at about 91% of the historic average and noted that rainfall has been below average for the past two years. He stated

that it appears that this area will not receive much rain from the storm brewing in the tropics as it will most likely stay further south.

Mr. Perry reported that the water level on the Clermont Chain has hovered around the target elevation of 97 feet msl (mean sea level) for most of the past year.

He stated that currently the flow out of Big Creek and Little Creek is at 29 cubic feet per second compared to last year's 239 cfs (cubic feet per second). He explained that there has been a significant shift in flows compared to last year, with the flow during July 2016 at 97 cfs and the flow for July 2015 at 11 cfs.

He stated that the water level for Lake Minnehaha is currently at 96.91 feet msl (mean sea level) with more than 6 inches of room before we would hit the top of the Regulatory Range. He explained that at this level there is plenty of storage room for any rain that might be received due to tropical activity.

Mr. Perry informed the Board that Chairwoman Cox had written letters of response to both Representative Metz and Representative Sullivan and these had been forwarded to all Board members. Chairman Cox noted that she nor staff has received any response to her letters.

Mr. Perry reminded the Board that members of the Soccer League had inquired about renaming the Soccer Complex in honor of Mike Stone. He showed examples of the new signage (*included as an exhibit in the backup documentation*) and asked if the Board wanted the Soccer League to make a formal request to the Board.

The Board members are in agreement with the renaming of the soccer fields to the Mike Stone Soccer Complex and to the choice of signage. No formal request to the Board needed.

4. CONSENT ITEMS

MS. MAIMONE MADE A MOTION TO APPROVE THE CONSENT AGENDA. Mr. Harris seconded the motion.

Motion approved 6-0

a. No-Cost Amendment to Prescribed Fire Contract

Authorize staff to amend the Atkins Prescribed Fire Services Agreements to add Inwood Consulting Engineers as a subcontractor.

b. Approval to Advertise Education and Community Mini-Grant Program for 2016-17

Authorize staff to advertise the "Drop-by-Drop: You Make A Difference!" education and community mini-grants program for FY 2016-17.

c. Authorization to Purchase Replacement Plotter and Surplus the Old Plotter

- 1) Authorize the Executive Director to surplus the HP 5500ps plotter unit inventory# 275
- 2) Authorize the Executive Director to purchase a new portable HP T2530 plotter unit from HP Government, under contract: FL - STATE OF FLORIDA (NASPO VP PC) (43211500-WSCA-15-ACS) for an amount of \$7,916.40, less \$2,000 cash back for the trade, for a final cost of the plotter not to exceed \$5,916.40.

d. Lake Norris Property Update

For information purposes. No action is required.

5. DISCUSSION ITEMS

a. Developer's Agreement - Extreme Groves

Mr. Perry showed aerial and pointed out Lake Louisa, Hwy 50, Johns Lake and Scrub Point Preserve, along with the location of the proposed Extreme Groves development. He noted that the Lake County Water Authority owns Scrub Point Preserve as well as the road down to

Hartwood Marsh Road along with a five-acre tract adjacent to Scrub Point that may be used in the future as a site resident/caretaker site and space for parking.

He stated that representative of Extreme Groves and Meritage Homes have spoken to the Board regarding the proposed development. He explained that changes have been made to their proposed plans since that time.

He pointed out that the proposed Agricultural Learning Center is no longer included in the plans and the area is now slated to have homes. He also noted that originally Flynn Court was going to be the primary access road to the development, but that has been changed to the road owned by the Water Authority.

He explained that the developer had provided the Water Authority with a developer's agreement a couple of months ago, but it was missing attachments and exhibits and staff was unable to make any kind of recommendation to the Board.

He stated that the developers have finally provided the Water Authority with the missing attachments and exhibits and staff has reviewed the agreement. He stated that he would like to point some key parts in the language of the agreement (*included as an exhibit in the back up documentation*).

He stated that on Page 2 where the Water Authority is to grant Meritage Homes and the City of Clermont an easement over the road for installing sewer force mains. He noted that Page 3 states that they will also install the water lines and re-use lines to the development over the road.

He explained that the agreement states that the Water Authority will give them easements over Segment 1 of the access road, which is from Hartwood Marsh Road up to the our five-acre parcel. He also noted that they also stated that the Water Authority would provide them the easements needed for the stormwater associated with the road. He stated that the agreement calls for all utilities easement and infrastructure for the road to be on Water Authority property.

Mr. Perry stated that the draft agreement with Meritage Homes states that the Water Authority would build the final portion of the road and the Water Authority would build it according to their specifications, and provide all that to the city. The agreement also states that the developer will tell the Water Authority when to build the road and provide any easement for signage and fences they request.

He pointed out that there is a stipulation on Page 6 telling the Water Authority where not to put our gate to Scrub Point Preserve, plus the description of a Welcome Center we would build at Scrub Point. He noted that the Water Authority does not intend to build a Welcome Center, but may build a site residence and parking lot in the future.

He stated that the agreement the Water Authority how to move forward with restoring the property and that that if the Water Authority doesn't do it in a timely manner, the developer will do it and invoice the Water Authority for the improvements.

He noted that there are other items on Page 7 that he is concerned about, along with the portion on Page 9 related to Indemnification. He explained that the developer should indemnify the Water Authority and not the other way around as requested.

Mr. Perry stated that his recommendation would be to throw out all those items, as it would be difficult for him to recommend that the Board should enter into an agreement that tells the Water Authority, how, where, when and why we should do something.

He stated that unless the Board gives him direction otherwise, it really comes down to the road, and explained that according the City of Clermont, the road will be serving as the primary access to the development.

He explained that the Water Authority has a fee simple ownership of the property, which has an easement with Lake County and a conservation easement with the Department of Interior. He stated that any plans for the property, easements, etc. would have to be approved by the Department of Interior.

He stated that he is looking for direction from the Board, and asked if the Water Authority wants to allow the developer to use our property to build their road. He stated that if their answer is no, then the discussion is over, but if they say yes, then they need what conditions are acceptable.

Chairwoman Cox asked if they are still planning to annex the property into the City of Clermont and it was noted that they are. She stated that the Water Authority was told by the City of Clermont, that to be annexed into the City, the development needs to have two entrances.

Tom Daly, with Daly Design Group and representing Meritage Homes, addressed the Board and explained that there are two entrances, but due to traffic issues, they have been asked by Lake County to make Flynn Court an emergency access only, due to traffic issues.

He explained that early on in the project, it became apparent that there would be an issue with Flynn Court. He stated that they also recognized that it would be a huge expense to the Water Authority to construct a road to Scrub Point Preserve, and thought it would be a win-win situation with the developer building the majority of the road, which would provide the development with the second access it requires and further everybody's goals.

Mr. Daly stated that his whole goal was to try to protect the Water Authority. He stated that he is willing to strike most of the provisions of the agreement and just talk about the road itself.

Chairwoman Cox explained that the Water Authority is governed by its own plan for Scrub Point, which is to keep it at a natural preserve, and there are constraints that have placed on Scrub Point by the National Parks Service, which are fairly strict as to what can be done with the road and the property. She reiterated that Scrub Point will not become a park, or have a welcome center. She noted that there will be public access to the property.

Ms. Maimone stated that the Board has discussed the proposed community several times and she was under the impression that the developer was going to pave the entire road at their own expense in exchange for being able to use the part that they need to use. She stated that she doesn't like that the developer is now trying to require the Water Authority to pave a portion of the road and tell us how to pave it.

Chairwoman Cox noted that if the road is annexed into the City of Clermont, the road also has to be dedicated to the City. She stated that this would present a problem because of the easements that already exist on that road. She explained that those issues would have to be solved between the National Park Service, the Water Authority's attorney and the developer's attorney.

Mr. Daly stated that the benefit to the Water Authority would be that two-thirds of the entrance road to Scrub Point would be paved. He noted that it would cost about \$300,000 to build the road and the turning lanes and it would be a true benefit to the Water Authority and the residents that might use the preserve. He stated that they were not trying to place a burden on the Water Authority. He stated that the section up to the development would have to be brought up to the standard required for the development, but the developer is open to discussion on how the Water Authority wants to improve the additional 600 feet of road to Scrub Point. He stated that he doesn't see the Water Authority needing or wanting a fully paved road with stormwater ponds, etc. for that portion of the road.

Ms. Maimone stated that the agreement states otherwise, and telling the Water Authority what they are going to do with their own property is not a good way to start a discussion.

Mr. Daly stated that the developers were hoping to sit down and discuss the options with staff, before it came before the Board. He stated that he is willing to back away from placing any impositions on the Board.

Mr. Clark stated that he sees many advantages for the developer, but sees very few advantages for the Water Authority.

Mr. Harris stated that the developer needs a \$300,000 entry road for their development, but the Water Authority does not need a \$300,000 road to access Scrub Point.

Vice Chair Dufresne stated that he didn't like that they basically came to the Water Authority and telling us what we are going to do with our property and how we are going to do it.

Mr. Bryant asked Mr. Daly to give an update on annexation process with the City of Clermont and the zone change and the environmental impacts. He stated that all those things would help the Board in determining what they are going to do.

Mr. Daly explained that the plans have submitted to Clermont and they have a utility agreement in place. He stated that if they have to work with the Department of Interior it would delay the public hearing. He noted that the change of zoning request, the annexation application and the request to amend the Future Land Use with the City of Clermont were all submitted at the same time.

Mr. Harris noted that when the development was originally presented to the Board, the main entrance was to be from Flynn Court.

Mr. Daly explained that when they had met with Lake County, the County had made a request that the entrances be switched with the road to Scrub Point Preserve being the main entrance, with the secondary access and emergency gate and cul-de-sac being Flynn Court.

Mr. Harris stated that he does not want the main entrance to Scrub Point Preserve to be used as the main entrance to the development. He stated that he has a problem with going making people drive through a subdivision to get to property. He stated that his understanding was that the developer was going to build an entrance road for the Water Authority, but the road would not be this lavish.

Mr. Daly stated that in keeping with the rural feel, they could plant oaks and place a three-rail horse fence down the entrance road.

Chairwoman Cox stated that the Board would like to keep the discussion on the road at this time. She stated that anything else is off limits in the agreement; and what the Water Authority does with Scrub Point, and how they manage the preserve, will not be part of the agreement.

Mr. Daly stated that he would like the access road to be mutually beneficial to the development and to the Water Authority.

Mr. Perry asked the Board whether they wanted to allow the developer to utilize the road to Scrub Point and Chairwoman Cox asked if they had to make that decision now. Mr. Perry stated that it depends on whether or not the Board wants staff to continue discussions with the developer.

Mr. Bryant stated that he wouldn't mind improvements to the road and maybe an extension to utilities. He stated that the Board might be open to negotiations under the right terms. He noted that there is still information that the Board doesn't have, such as the environmental assessment. He stated that it might be helpful to see a copy of that assessment before making any decisions.

Mr. Perry stated that the developer needs the Water Authority, more than the Water Authority needs them.

Ms. Maimone stated, that she is not happy with the subdivision being built right up to the preserve, and can only hope that the city will ensure that there are good buffers. She stated that the Board's main concern is the access road to Scrub Point, and it is all the Board really has control over.

Chairwoman Cox asked for public comment, stated that she understands that the public has concerns, and reminded them that the Water Authority only has control over the road and preserve.

Raymond Flynn, adjacent property owner, showed a copy of the site plan (*included as an exhibit in the back up documentation*) and stated that it seems that the developer is intending for Scrub Point Preserve to be an amenity to their development. He stated that in his opinion, the Water Authority should have no cost for development of the road, including the cost of transferring the easements needed. He stated that the developer is going to be the one to benefit and requested that the Board deny their request.

Yanette Moyano addressed the Board and asked all the residents in the audience that are opposition to stand up. She stated that all feel strongly about the issues and have a common interest in preserving Scrub Point.

She noted that it has been estimated that there will be approximately 1900 car trips per day. She stated that the developer's need the road, and that it just so happens that it might possibly benefit the Water Authority. She noted that there are agreed standards of density between the City of Clermont and Lake County and what they are proposing is not a transitional use of the land. She stated that she does not think that is a win-win proposition and requested that the Board deny the developer's request.

Mike Kenealy addressed the Board and stated that if the main entrance to the development is changed to the road to Scrub Point he would not be able access to his property except through the subdivision. He asked at what cost the road would be to the look and ambiance of the preserve. He noted that there would be streetlights and houses across three quarters of the front property line of the preserve. He requested that the Board deny the proposal as it stands and let them come back and ask again.

Frank Fernandez addressed the Board. He gave the Recording Secretary a petition signed by residents who were unable to attend the meeting (*included as an exhibit in the back up documentation*). He explained that he moved to the area because of the rural nature of the area and asked that the Board deny the request. He asked that it be put on record that he would help fund the Water Authority to build their own road should it be necessary.

Coby Welch addressed the Board and stated that he agrees with what the other residents are saying. He stated that the density of the proposed development does matter and to allow this development would set precedence to what will happen on the other side of Johns Lake.

Ken Polk addressed the Board and stated that he moved to that area because of the rural feel and stated that the proposed development doesn't fit with the rural feel of the area and doesn't belong next to a preserve.

Ms. Maimone stated that Board is not happy about the density either, but they have no jurisdiction over what the city approves. She stated that she would like to see the requirement be for five-acre parcels like the rest of the area,

Attorney Barice noted that the Board might want to consider providing comment to Lake County and to the City of Clermont regarding some of the issues.

Chairwoman Cox stated that the Board could deny the developers agreement completely or start the negotiations over. Ms. Maimone stated that she thought it might be a knee jerk reaction to deny it all together, but stated that she will do what the rest of the Board wants to do.

Mr. Clark stated that he would like to deny it all together, but he felt the developers were going to find a way to make it happen. He noted that once they annex into the City of Clermont, is bound to be approved.

Mr. Perry explained that the City of Clermont is requiring two access points and if the Water Authority denies them access to the road, Clermont has stated that they will not approve the development, and they would have to find another access road or work with Lake County.

Chairwoman Cox stated that she would like to say no now, but she doesn't think it is going to stop the development. She suggested that they bring back a new agreement that focuses just on the road.

Attorney Barice suggested that the developer could create an access road using their own property, and Mr. Perry explained that all the property between the proposed development and the major access road is private property.

It was suggested that Attorney Barice could assist in the rewriting of the agreement and Ms. Maimone stated that the developer should have to rewrite the agreement without any assistance from Attorney Barice. She stated that the Water Authority should not be paying attorney fees for the developer.

Mr. Harris stated that he is not in agreement with the road to Scrub Point becoming the main entrance to the subdivision, and would not support their request. He stated that it does not fit his vision of what residents would want for Scrub Point Preserve.

Mr. Bryant stated that he is not sure the Board needs to take any action at all at this point. He stated that he used to be a community planner and he doesn't have a problem with a paved road and utilities but does have a problem with other environmental impacts. He stated that he doesn't want to create any problems that Board successors will have problems with later.

He stated that he is not comfortable about allowing it at this time without knowing the impacts to the Scrub Point and to Johns Lake.

Chairwoman Cox explained that Scrub Point it is the only natural property left along Johns Lake. Last original buffered land with a lot of environmental value. She noted that Eddy Groves will be developed at some point and will be in the city and at higher density if this road is developed.

She stated that she is not comfortable with denying it today, but she is also not comfortable with agreeing to anything.

Mr. Clark suggested that they deny the use of the road and see what response the City of Clermont has.

Mr. Perry stated that changing the main access road was a request of the county and that he had no idea what the City of Clermont's position would be.

Chairwoman Cox noted that John Kruse with the City of Clermont had stated that without two access points, the property cannot be developed at the density they are proposing and the community would have to have less homes on bigger lots.

Mr. Perry asked that the Board provide direction to staff regarding acceptance, denial or counterproposal to the Extreme Grove's Developer's Agreement.

MS. MAIMONE MADE A MOTION TO DENY THE DEVELOPERS AGREEMENT.

Mr. Clark seconded the motion.

Motion approved 5-0 with Chairwoman Cox in opposition.

Mr. Perry asked whether staff should work with Meritage Homes and Chairwoman Cox stated that they should not. She stated that the developer should rework their proposal on their own and bring it back to the Board should they choose.

Ms. Maimone asked Ms. Burgos if she could let them know how much the streetlights and road use might impact the preserve.

Attorney Barice noted that if the residents in the surrounding area have issues with the proposed development they should address them with the City of Clermont.

b. Discussion of Options Related to Emerald Lakes

Chairwoman Cox noted that there have been many discussions regarding Emerald Lakes and a Board Member had asked staff to come up with a list of options that might be available to the community to help alleviate some of their flooding concerns.

She stated that the community has asked the Board to lower the Regulatory Range and the Board has declined to do so. She explained that the community was built on dredged material and below the permitted grade and suffers from being built in a swamp with flooding in the streets of the community.

Mr. Perry explained that staff tried to come up with as many options as they could. He reminded the Board that the Water Authority is under no obligation to implement any of the suggestions, although the community could elect to do so.

He explained that currently there is a sump and pump mechanism that pumps collected rainwater runoff and pumps it back into the lake. He stated that one option would be for the community to

add more piping with sumps and pumps in the low areas where the water accumulates. He stated that the cost associated with this option would be the cost of installing and running the pipes and pumps.

He stated that residents have voiced concerns regarding the water in the streets and in their yards and noted that there are a few homes that are close to the roadway and more likely to get water in their homes. He explained that one of the options to deal with water in their yards would be to raise those homes higher and fill underneath.

He reminded the Board to keep in mind that while water might accumulate in the streets and some of the yards, staff has no knowledge of any water actually being in the homes.

He noted that the FEMA Flood Map shows that the established flood zone for that area is at 98.6 feet. He explained that the top of the Regulatory Range is 97.5 feet.

Chairwoman Cox stated that the community has a very inadequate stormwater system with no stormwater retention areas. She noted that any water runs into a grate and is directed back into the marsh. She stated that during discussions with the City of Clermont, they had also discussed having a professional look at improving the stormwater system and moving the water out of the streets.

She noted that a lot of the flooding is actually caused by rainfall, and not by the lake level.

Vice Chair Dufresne left the meeting at 5:02 pm.

Mr. Perry stated that while residents have complained of flooding, the residents' main concern has been water in the streets and some squishy yards, but there have been no reports of water in their homes.

He explained that most of the streets are built with an inverted crown and designed to direct water to the center of the road and then into a sump area. He stated that typically streets are designed with a crowned center, with a swale or curb and gutter system. He stated that the community does not have a typical stormwater drainage system as the streets are designed to convey water to the center of the streets and then into a drain and away from the community.

He stated that there is no rhyme or reason to how the roads were designed. He noted that another possibility to eliminating the flooding in the roads would be to create crowned roads with elevated drainage, but they may need to elevate the roads to provide for drainage.

Chairwoman Cox noted that they could install a drainage system with lift pumps to pump the water up out of their neighborhood and into the City of Clermont's stormwater system.

Mr. Perry showed current photographs of the community (*included as exhibit in the backup documentation*) and pointed out the water standing in the streets. He stated that raising the seawalls in the community would also be an option, if they are concerned about water topping the seawalls.

He showed an aerial and explained that staff has proposed a levy system in the past, with one option being to run the levy system along the front of their development and relocate the boat ramp and boat slips on the outside of the levy system. He pointed out the area that would then act as a drainage/stormwater pond where the water could be pumped out as needed. He explained that this is just a proposal and the Water Authority has not looked into the actual engineering of such a project. He stated that this sort of project would require over 2,000 cubic yards of material to create a 2,400 linear foot levy. He noted that this idea was not very well received by the residents of the community.

He stated that another possible version would be a New Orleans/Holland type dyke that would encircle the whole community, which would be over 6,600 linear feet and would require over 55,000 cubic yards of material.

Mr. Perry stated that Mr. Clark had suggested that they look at managing the water level with a Regulatory Schedule similar to the Harris Chain. He explained that for the Harris Chain the main issue is flooding and controlling high water levels whereas the issue on the Clermont Chain is a history of low water levels.

He pointed out the top end of the Regulatory Range and the bottom end of the Regulatory for the Clermont Chain and noted that with very few exceptions, the water has always been within or well below the Regulatory Range.

He stated that should the Board wish to implement a Regulatory Schedule, they could consider a schedule similar to the Harris Chain where the lake levels are kept higher from the end of September until mid-June and then allow the water level to go down to 96.5 feet from mid-June to end of September.

He reminded the Board that when controlling the water levels in the Clermont Chain, it has always been about low water levels and not about flooding. He showed a graph of Lake Minnehaha's water levels prior to the construction of Cherry Lake Dam (*included as exhibit in the backup documentation*) and explained that the lake was within the Regulation Schedule 45% of the time and under the Regulation Schedule 47% of the time. He noted that for the last twenty years the level has been under the Regulation Schedule about 68% of the time, and within the Regulatory Schedule about 29% of the time.

He stated that if the Water Authority were to lower the water level in the Clermont Chain permanently, it would potentially allow for more frequent and prolonged drought conditions. He explained that it would affect the wetlands by exposing wetland areas and drying them out and changing deep marshes to low marshes. He noted that the waterways around and between the lakes would also be affected if they were to lower lake levels permanently.

Mr. Clark asked if Mr. Perry was talking about lowering the water level permanently or just by a half of a foot for a couple of months.

Mr. Perry replied that staff is looking at both scenarios because if they were to lower the water levels for a couple of months, there is no guarantee that the water levels will recover.

He noted that the Harris Chain has been at or below the Regulatory Schedule for more than a year and Lake Apopka has been at or below the Minimum Desirable even longer.

He stated that the St Johns River Water Management District is in the process of evaluating the Minimum Flow and Level at this time. He stated that after determining what the maximum and minimum elevations should be, the District will look at the Regulatory Schedule, and it is possible the District will scrap the Regulatory Schedule and let nature take its course, only letting water out if there is danger of flooding.

Mr. Perry explained that at this time, water levels on the Clermont Chain are being operated much like the District is proposing for the Harris Chain. He explained that the target elevation for the Clermont Chain is 97 feet and as long as the water levels remain within the target range, they let nature take its course.

Ms. Maimone stated that the current water level of 97 feet is too high and asked how it would help the community to lower the water level for only a couple months out of the year. She noted that the water level would have to remain at 96.5 feet or below for the entire year for it to be of any benefit to the community.

She asked what kind of impact there would be to the wetlands and marshes in the Clermont Chain and to the rest of the residents in the area if the water level were to be lowered by a half of a foot to a foot.

Chairwoman Cox stated that there are hundreds of acres of marshes in the Clermont Chain, and to lower the water levels permanently would destroy the marshes. She noted that due to the recent drought, the lakes in the Clermont Chain are not projected to meet their Minimum Flows and Levels.

Mr. Clark asked if the Clermont Chain has Minimum Flows and Levels currently and Mr. Perry stated that some of the lakes do. Chairwoman Cox noted that Lake Louisa and at least one other lake are not currently meeting those levels.

Mr. Perry stated that the overwhelming response from citizen's not associated with Emerald Lakes is to keep the water as high as we can and not lower the water level.

Mr. Clark stated that flood protection is not a part of the purpose of the Water Authority and Mr. Perry stated that Lake County Property Appraiser, Carey Baker, had reminded him of that same thing.

Mr. Perry stated that staff was asked by Representative Metz to come up with alternative solutions, so that is what they have done.

Mr. Perry stated that as long as the lakes remain within the current regulatory range, the water would likely be in the streets and the residents will be able to use their boat ramp.

He stated that the only permanent way to solve the situation would be to buy the community out. He noted that the current residents that staff have talked to do not want to be bought out. He explained that he had visited the Property Appraiser's office to get a feel of the value of the property. He stated that based on the property appraiser value it is about 7 million plus 15%, which is approximately 8.2 million which includes the property, homes and public area at Emerald Lakes.

He noted that 20 homes have been bought and sold in Emerald Lakes since 2014, and stated that the Water Authority will continue to get complaints from residents and Legislature Delegation when the water is in the upper two thirds of the Regulatory Range.

Chairwoman Cox stated that she had explained to Representative Metz that Emerald Lakes was built on dredged material and was not built to the permitted elevation. She stated that she also informed him that over the years, the community has begun to sink.

She noted that that it is a very old scheme to build houses in a swamp in Florida and sell to unsuspecting buyers with Emerald Lakes homeowners being victims of this scheme.

She stated that there is a long list of people from realtors to bankers, who know the history of Emerald Lakes and still fail to inform potential buyers.

Ms. Maimone asked if Emerald Lakes has a homeowners association and Chairwoman Cox stated that they it is a Residential Co-op. Ms. Maimone stated they should also be held responsible for informing potential buyers.

Mr. Perry explained that the Co-op owns half the properties and homeowners rent the land from the Co-op. He stated that the whole community is all privately held property, with no public roads or public drainage.

He stated that the Board needs to consider what government's role when it comes to private property, when the issue is not a government created problem. He stated that the Water Authority has not done anything different in how they have managed the water levels than when the Regulatory Range was created in 1958, which was a decade before Emerald Lakes was built.

Mr. Perry explained that the Water Authority had recommended that Emerald Lakes be built at 102.5 feet, but SWFWMD (Southwest Florida Water Management District) gave them a permit to build at 99 feet.

Ms. Maimone asked, "Who do we do the right thing for?" She stated that if the Water Authority does right thing for the Emerald Lakes, they are doing a disservice to the rest of the residents in that area and endangering the marshes and wetlands. She stated that she is tired of discussing this topic. She asked "where are all the Legislatures?" She stated that they write letters telling the Board to do something about it, but don't come to the meetings.

Mr. Harris stated that the City of Clermont is the agency that did the wrong thing and approved the development even though they were told that it was going to be too low.

He stated that the Water Authority can't fix everyone's problem, but they can do the right thing by moving the water out of the system when it gets too high, but also taking into consideration the development downstream that floods if water it moved too quickly.

Mr. Perry noted that the mobile home community downstream was built by the same developer and does get wet when water is released from Cherry Lake Dam.

Chairwoman Cox asked for public input and George Simek stated that he would refrain from commenting.

Mr. John Gaw addressed the Board and thanked them for their stand on the issue. He stated that he lives on Lake Erie and stated that his area is affected when the water levels go down. He noted that the repercussions do reach farther than just the Clermont Chain. He pointed out that the developers were informed that they were building too low, but chose to do so anyway. He stated that the responsibility falls to the Co-op Board and the realty company that represents the community at this time.

Ms. Maimone explained that there is a disclosure that is legally required when any property is sold and Mr. Gaw stated that prospective buyers should be informed and that is not happening.

Mr. Gaw stated that it is not the responsibility of Lake County Residents or the responsibility of the Water Authority to fix the problem. He noted that the Water Authority has offered up great solutions and he hopes that the residents of the community take heed of the suggestions.

Chairwoman Cox stated that the Water Authority had given the residents of Emerald Lakes solutions to the problem, but the ultimate solution is to buy them out and return the property to the marsh. She stated that the Water Authority has informed the Legislatures that it is not the Water Authority's problem and the Water Authority is going to continue to operate for the benefit of the entire system of lakes.

Mr. Gaw stated that there would be plenty of people in South Lake County who would take it up with the Legislative Representatives should they continue to put pressure on the Water Authority.

Ms. Maimone suggested that she could help in identifying real estate brokers and the Water Authority could send a letter to each broker and each homeowner in Emerald Lakes, informing them that it is their responsibility to do a seller's disclosure to any potential buyer, that states that the property floods.

She stated that Emerald Lakes should have never been built, but it is not our problem and we can't do anything about that and neither can the people living there. She stated they are stuck in a very bad situation, but there is nothing the Water Authority, as a small agency, can do to fix the problem.

Mr. Clark asked why the Water Authority would want to be involved and whether it should even be the Agency's responsibility and Ms. Maimone stated because there are three Legislatures telling the Water Authority that it is their responsibility and to do something to alleviate the problem. Mr. Clark stated that it doesn't matter who owns the homes, the problem is the same. He questioned whether it is the Board's responsibility that due diligence is not being done.

Attorney Barice informed the Board that if they were to do something to interfere in a realtor and contractor relationship there would be a problem, but to put homeowners and realtors of notice regarding their legal responsibility regarding disclosure should not be a problem. She stated that to try to interfere with the sale of any property would not be acceptable.

Mr. Bryant asked if Ms. Maimone, as a realtor, could approach the Lake County Realtor's Association or the State of Florida agency that has oversight over realtors to have them contact realtors.

Ms. Maimone explained that the local Realtors Association does not handle any ethical issues; they are only a way to get information out to realtors. She stated that there is a FREC Board (Florida Realtor's Ethics Commission), that deals with ethical issues.

She stated that she could request that something be put in the local Realtors Association newsletter or that an email is sent out to realtors detailing the issue and reminding realtors of their responsibility, but she could not guarantee that it would be done.

Ms. Maimone suggested that the Water Authority send a letter out once a year to new residents of Emerald Lakes detailing the problem. Chairwoman Cox clarified that the suggestion is that the Water Authority write a letter stating the owner's fiduciary responsibility to disclose, but staff is not to take any actual action at this time.

Board members instructed Mr. Perry to send letter to Representative Metz and Mr. Raney listing the options available to Emerald Lakes. They asked that he remind them that the Emerald Lakes Co-op has a responsibility to inform all residents that they have a legal responsibility to disclose that there is a problem with the property each time a piece of property is sold.

The Board adjourned for break at 5:42 pm and reconvened at 6:10 pm.

Ms. Maimone requested that Mr. Garcia post the Emerald Lakes portion of the Board Meeting video to the Water Authority website.

c. Review of FY 2016-17 Budget

Mr. Perry stated that there have been no changes made to the Budget. He reminded them that the Tentative Budget Meeting would be held on September 14, 2016 at 5:05 pm. He also informed them that the Final Budget Hearing would be held on the same day as the Regular Board Meeting on September 27, 2016 at 5:05 pm.

d. Status of Old Office Building

Mr. Perry stated that there have been a couple more inquiries regarding the old office building, but no more offers as of yet. He explained that there has been no response to the Board's counter offer to Mr. Fernandez and his client, although Mr. Fernandez has taken his client for another tour of the property.

He stated that at this time he recommends that they hold off listing the property and wait to see if there are any offers forthcoming.

Mr. Harris left the meeting at 6:15 pm.

Authorization to Release Bid for Upgraded Docks at Hickory Point

Mr. Perry stated that staff is asking to replace the floating docks as they are too small and unstable.

When asked the approximate cost for the new docks, Mr. Perry answered they would be between \$6,000 and \$12,000. He showed a PowerPoint presentation showing the type of docks staff is recommending and stated that staff is requesting authorization to release a bid for the project. He stated that staff would return to the Board once the Bids have been obtained.

MS. MAIMONE MADE A MOTION TO AUTHORIZE STAFF TO RELEASE A BID FOR THREE (3) FLOATING DOCK REPLACEMENTS AT THE HICKORY POINT RAMP. Mr. Bryant seconded the motion.

Motion approved 4 -0.

6. PUBLIC COMMENT

There was no additional public comment.

7. LEGAL STAFF REPORT

Attorney Barice thanked the Board for renewing her contract. She also reminded Board members to be aware of the Sunshine Laws when using email and Facebook.

8. BOARD MEMBER COMMENTS

9. BOARD MEMBER ITEMS FOR FUTURE AGENDA

10. INFORMATION ITEMS

11. ANNOUNCEMENT OF UPCOMING MEETINGS AND EVENTS

- Umatilla Wildlife Festival, Saturday, Sept. 10, 2016 (9 am to 2 pm)
- Tentative Budget Hearing - Wednesday, September 14, 2016 (5:05 pm)
BCC Chambers/Admin. Building

- Board Meeting - Wednesday, September 28, 2016 (3:30 pm)
BCC Chambers/Admin. Building
- Final Budget Hearing - Wednesday, September 28, 2016 (5:05 pm)
BCC Chambers/Admin. Building
- Hidden Waters Preserve, Nature Hike, Oct. 1, 2016 (9 am – Noon)
- Wings and Wildlife Festival, Oct. 14-16, 2016, Venetian Gardens
- Flat Island Preserve, Long 4-5 mile Hike, Saturday, Nov. 5, 2016 (9 am – Noon)
- Sawgrass Island Preserve, Long 4-5 mile Hike, Saturday, Dec. 10, 2016 (9 am – Noon)
- Lake Norris Conservation Area, Dog & Owner Hike, Saturday, Jan. 7, 2017 (9am – Noon)
- Wolf Branch Sink Preserve Open House, Saturday, Feb. 11, 2017 (8:30 am to 3:00 pm)
- Flat Island Preserve, Firefly & Bats, Friday, March 10, 2017 (6:30 pm to 8:30 pm)

12. ADJOURNMENT

The meeting was adjourned at 6:19 p.m.

Respectfully submitted,

Anna Ely, Recording Secretary

Neil Kelly, Secretary-Treasurer

Peggy Cox, Chairwoman